

MAINE STATE LEGISLATURE

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(Governor's Bill)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1872

S. P. 723

In Senate, January 24, 1980

Referred to the Committee on Transportation. Sent down for concurrence and ordered printed.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Danton of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Clarify Procedure in Freight Rate Proceedings Before the Public Utilities Commission Involving Railroads and Water Common Carriers.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 35 MRSA § 70, first ¶, is amended to read:

Whenever the commission receives notice of any change or changes proposed to be made in any schedule of new rates, joint rates, fares, rentals, tolls, classifications, charges, rules, regulations or forms of contract or agreement affecting the transportation of freight **by railroad or water common carrier**, and filed with the said commission under the law, said commission shall have power at any time ~~within 30 days after~~ **before** the effective date of such change or changes, either upon complaint or upon its own motion and after reasonable notice, to ~~hold a public hearing and make~~ **initiate an** investigation as to the propriety of such proposed change or changes.

Sec. 2. 35 MRSA § 70, 3rd ¶, **first sentence** is amended to read:

At any ~~such~~ hearing involving any such change or changes, the burden of proof to show that such change is reasonable shall be upon the common carrier.

Sec. 3. 35 MRSA § 70, 3rd ¶, **last sentence**, as amended by PL 1975, c. 771, § 394, is further amended to read:

The commission may ~~with the consent of the Governor~~ hold joint hearings with the Interstate Commerce Commission with respect to the relationship between rate structures and practices of carriers subject to the jurisdiction of the commission and the Interstate Commerce Commission, in accord with the Act to regulate commerce and applicable amendments.

STATEMENT OF FACT

Under present law, the Public Utilities Commission may not initiate a railroad rate investigation until after the effective date of the proposed schedule of new rates. This barrier has the effect of wasting valuable time. In addition, although the commission currently has 8 months after the effective date of a proposed change to determine whether it is just and reasonable, section 70, in its present form, appears to require that a hearing be held within 30 days after the effective date of the change. The requirement of a hearing this early in the rate proceeding appears to serve little purpose. The bill would also make it clear that Title 35, section 70 does not apply to motor carriers, which are expressly excluded from coverage under Title 35, section 1553.

The requirement that the Governor's consent be obtained before the Public Utilities Commission may hold joint hearings with the Interstate Commerce Commission was also deleted.